

Patent
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REMARKS

Objections to the Claims

Claims 26-27 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims have been amended to depend from claim 24, rather than from canceled claim 25. Reconsideration and removal of the objection is therefore requested.

Anticipation Rejections of the Claims

Claims 1-3, 10 and 28 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,304,645 ("Hardesty"). This rejection is respectfully traversed.

Claims 1 and 28 as amended both recite "a unitary buoyant board-like support member." The unitary nature of the support member is illustrated by the exemplary support member 12 in the figures. This unitary nature makes the inventive fishing apparatus easy to manufacture and maintain.

Hardesty, on the other hand, describes a live bait and fish container that employs a box-like support member (rather than a board-like support member) that is composed of several component parts 12, 18, 34, 46, as noted by the Examiner. This resulting support member of Hardesty would be complex to manufacture and maintain.

Nor does the container of Hardesty satisfy the requirements of claims 1 and 28 for "at least a pair of opposing gripping apertures or indentions" in the unitary board-like support member that are configured for "providing for balanced hand gripping of the support member by a user." Instead, Hardesty discloses exterior handles 32 formed as lateral extensions of the top panel 18 of Hardesty's box-like support member.

Thus, Hardesty fails to teach or suggest at least two of the limitations recited by claims 1 and 28. For these reasons, Applicant requests reconsideration and withdrawal of the anticipation rejection of claims 1-3, 10, and 28.

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Claims 12 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No 3,357,127 ("Barradale"). This rejection is respectfully traversed.

Claims 12 and 24 as amended both recited "a unitary buoyant board-like support member." As mentioned above, The unitary nature of the support member is illustrated by the exemplary support member 12 in the figures. This unitary nature makes the inventive fishing apparatus easy to manufacture and maintain.

Barradale, on the other hand, describes a catch and live bait container that employs a complex support member that is composed of several component parts 15-19, as noted by the Examiner. For example, the deck plate 15 is required for buoyancy; the upper panel 19 is required for protecting the deck plate 15 and for attaching to the lower hull 10; and the upper flange (not numbered) of the hull 10 is required for connection to the upper panel 19. This resulting support member of Barradale would be complex to manufacture and maintain.

Nor does the container of Barradale satisfy the requirements of claim 24 for "a fish container secured to the support member adjacent one end thereof" and "a first bait container secured to the support member adjacent another end thereof opposite the one end ... whereby the fish container and first bait container oppose one another." Instead, Barradale discloses a first bait container 18 that is arguably adjacent one end of Barradale's complex support member, and a fish container hull 10 that extends across all ends of the support member. Thus, the bait container and fish container of Barradale do not oppose each other, as is required by claim 24.

Thus, Barradale fails to teach or suggest the above-noted limitations recited by claims 12 and 24. For these reasons, Applicant requests reconsideration and withdrawal of the anticipation rejection of claims 12 and 24.

Obviousness Rejections of the Claims

Claims 4, 7, 9, 11 and 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty as applied to claim 1 above, and further in view of U.S. Patent No. 6,014,833 ("Benavidez").

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Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty as applied to claim 1 above, and further in view of U.S. Patent No. 4,918,853 ("Bascom").

Claims 14-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barradale as applied to claim 12 above, and further in view of U.S. Patent No. 6,405,478 ("Westley").

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty as applied to claim 1 above, and further in view of U.S. Patent No. 5,394,639 ("Tentler").

Claim 17-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty as applied to claim 1 above, and further in view of U.S. Patent No. 6,269,587 ("Wallace").

Claims 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty as modified by Benavidez as applied to claim 20 above, and further in view of U.S. Patent No. 4,794,723 to ("Arnold").

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barradale as applied to claim 24 above, and further in view of Wallace.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barradale as applied to claim 25 above, and further in view of U.S. Patent No. 5,802,760 ("Campbell").

Each of these obviousness rejections are respectfully traversed, because these rejected claims all depend from independent claims that recite at least one limitation that is not taught by the cited art, as explained above. For at least this reason, Applicant submits that the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. § 103. Applicant, therefore, respectfully requests withdrawal of the obviousness rejections.

Conclusion

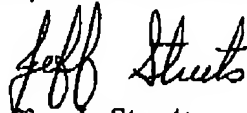
This response is believed to place all pending claims in condition for allowance, and such action is earnestly solicited. In the event that the Examiner is not fully persuaded by this response, the Examiner is respectfully requested to contact the undersigned attorney for the Applicants by telephone to discuss this response.

In the event there are additional charges in connection with the filing of this Response, such

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as the associated two-month extension of time fee, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/CORA/0002 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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